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CONFIDENTIAL

DATE: March 17, 2012

To:

NAME:	FAX No.:	PHONE No.:
Scott M. Sciacca	15712702919	15712701919

FROM: Rajendra Panwar

PHONE: (650) 335-7107

RE: Interview Request for 10/750,128

NUMBER OF PAGES WITH COVER PAGE: 6

rpanwar@fenwick.com

MESSAGE:

Dear Examiner Sciacca,
Attached is the interview request form as per our phone discussion. Also attached are the proposed claim amendments for your review.

Rajendra Panwar

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Applicant Initiated Interview Request Form

Application No.: 10/750,128 First Named Applicant: Ninlane Wang
 Examiner: Scott M. Sciacca Art Unit: 2146 Status of Application: Pending

Tentative Participants:

(1) Rajendra Panwar, Reg. No.: 63,165 (2) Ex. Scott Sciacca
 (3) Brian Hoffman, Reg. No.: 39,713 (4) Rosie Dickens, Reg. No.: 68,109

Proposed Date of Interview: 03/20/2012 Proposed Time: 1 PM EDT AM/PM

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1</u>	<u>Culbert</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

Culbert does not disclose examining a representation of a mapping of estimates of load on the client device
to levels of throttling.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

/Rajendra Panwar/

Applicant/Applicant's Representative Signature

Rajendra Panwar

Typed/Printed Name of Applicant or Representative

63,165

Registration Number, if applicable

Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

APPLICANTS: Niniane Wang et al.
SERIAL NO.: 10/750,128
FILING DATE: December 31, 2003
TITLE: Methods and Systems for Regulating Resource Usage
EXAMINER: Scott M. Sciacca
GROUP ART UNIT: 2446
ATTY. DKT. NO.: 24207-10093

1. A method comprising:
receiving, by an application executed by an operating system, a plurality of operating parameters having values describing a plurality of different types of resources of a client device;
determining a value representing ~~a performance measure~~ an estimate of current load on the client device based at least in part on a combination of the plurality of operating parameter values describing the plurality of different types of resources of the client device;
assigning the value representing the ~~performance measure~~ estimate of current load on the client device to a usage variable, ~~wherein the usage variable value defines a current usage of a particular combination of resources of the client device;~~ and
correlating by the application a ~~resource usage~~ level of throttling of the application with the usage variable, the correlating comprising:
examining a representation of a mapping of ~~usage variable values~~ estimates of load on the client device to ~~resource usage~~ levels of throttling, wherein each tuple in the mapping ~~specifies~~ maps a particular ~~value of the usage variable~~ estimate of load on the client device to ~~and~~ a particular ~~resource usage~~ level of throttling;
identifying a tuple of the mapping for which the particular value of the estimate of load on the client device ~~usage variable~~ matches the estimate of current load on the client device corresponding to the value assigned to the usage variable; and
the application modifying its own execution to throttle its usage to the ~~use the~~ ~~particular resource usage~~ level of throttling specified by the identified tuple.

Argument: The “task resource utilization vector” disclosed in Culbert stores records that contain:

1. “quantities of system resources that each task qualitatively prefers to utilize while executing on the processor” and
2. “a run level that reflects the associated task's ability to perform its work when allocated the resources according to the particular task resource utilization record.”

(Culbert, Abstract.)

The “task resource utilization vector” as disclosed in Culbert does not map “estimates of load on the client device to levels of throttling” as claimed. None of the values in a record of the “task resource utilization vector” correspond to as “estimate[s] of load on the client device.”

Therefore Culbert does not disclose the claim limitations:

1. “examining a representation of a mapping of estimates of load on the client device to levels of throttling, wherein each tuple in the mapping maps a particular estimate of load on the client device to a particular level of throttling” and
2. “identifying a tuple of the mapping for which the particular value of the estimate of load on the client device matches the estimate of current load on the client device corresponding to the value assigned to the usage variable”